

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

**IN RE:
PAULSBORO DERAILMENT CASES**

**MASTER DOCKET NO.:
13-CV-784 (RBK/KMW)**

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: 1:12-CV-07468-RBK-KMW (Breeman)
: 1:12-CV-07747-RBK-KMW (Lord)
: 1:13-CV-00208-RBK-KMW (Kidd)
: 1:13-CV-02357-RBK-KMW (Canning)
: 1:13-CV-02358-RBK-KMW (Armistead)
: 1:13-CV-03350-RBK-KMW (Everingham)
: 1:13-cv-03244-RBK-KMW (Morris)
: 1:13-cv-03724-RBK-KMW (Hamilton)
: 1-13-cv-03935-RBK-KMW (Clark)
: 1-13-cv-04322-RBK-KMW (Kennedy)
: 1-13-cv-04569-RBK-KMW (Johnson)
: 1:13-cv-04709-RBK-KMW (Daniels)
: 1:12-cv-07586-RBK-KMW (Wilson)
: 1:12-cv-07648-RBK-KMW (Pollicino)
: 1:13-cv-05763-RBK-KMW (Truluck)
: 1:13-cv-07410-RBK-KMW (Smith)
: 1:14-cv-00043-RBK-KMW (DePietro)

**AMENDED INSPECTION ORDER REGARDING THE PERMITTED DEMOLITION
OF THE PAULSBORO BRIDGE**

This matter is before the Court pursuant to a request from Defendants, Consolidated Rail Corporation, Norfolk Southern Railway Company and CSX Transportation, Inc. (“Railroad Defendants”), seeking to modify and amend this Court’s prior Inspection Order concerning preservation of certain physical evidence. Specifically, Section 12 of the October 1, 2013 Inspection Order states that “[f]ollowing the scheduled inspections, Railroad Defendants may relocate the evidence, but agree that no evidence will be destroyed.” However, the parties have long been aware of the fact that Consolidated Rail Corporation intends to replace the existing

Paulsboro Bridge with a new moveable bridge, and that preservation of the existing bridge is impossible. Accordingly, Railroad Defendants seek an amendment to the Inspection Order that would permit Consolidated Rail Corporation to tear down the existing Paulsboro Bridge in order to complete construction of a new bridge, notwithstanding its evidentiary role in this case.

The plan to demolish the existing bridge and build a new bridge has been a well-known and publicized fact. Further, the existing bridge has been preserved in accordance with this Court's prior Inspection Order, and all parties have been afforded the opportunity to inspect the bridge with their expert witnesses and record it at its present state. The Court is advised that in response to a letter from counsel for Railroad Defendants to all counsel with cases or claims arising from the derailment advising of the imminent demolition, no party has expressed any interest in an additional inspection of the Bridge.

It appearing that all parties have had an opportunity to record and inspect the existing Paulsboro Bridge, this Court finds it appropriate to modify the Court's prior Inspection Order concerning the destruction of certain evidence. Consolidated Rail Corporation is hereby authorized to demolish the existing Paulsboro Bridge in order to complete construction of the new bridge. Further, the parties are precluded from arguing that demolition of the bridge constitutes spoliation. The remainder of the October 3, 2013 Inspection Order, including the obligation to preserve any other evidence, remains in full force and effect.

IT IS SO ORDERED this 6th day of August, 2014.

A handwritten signature in black ink, appearing to read "Karen M. Williams", is written over a horizontal line.

KAREN M. WILLIAMS
UNITED STATES MAGISTRATE JUDGE